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As Indenture Trustee of Towd Point
Mortgage Trust 2017-FRE1

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SATICOY BAY LLC SERIES 7073
SEABIRDS PLACE, a Nevada series
limited liability company,

Plaintiff,

vs.

TOWD POINT MORTGAGE TRUST
2017-FRE1, U.S. BANK NATIONAL
ASSOCIATION, AS INDENTURE
TRUSTEE, a national banking association;
DOE individuals I thought XX; and ROE
CORPORATIONS I through XX,

Defendants.

Case No: 2:21-cv-00559-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(FIRST REQUEST)

Plaintiff Saticoy Bay LLC Series 7073 Seabirds Place (“Saticoy”) and Defendant U.S.
Bank National Association, As Indenture Trustee of Towd Point Mortgage Trust 2017-FRE1
 (“U.S. Bank”), by and through their respective counsel of record, hereby stipulate as follows:

Counsel for the parties have agreed to a 90-day extension of time for completion of discovery in this case. Counsel for U.S. Bank will be relocating out of the country and another member of the firm will be stepping in and getting up to speed in this matter. Additionally, the parties are in the process of settlement negotiations and hope to conclude those negotiations in a timely manner.

(a) Statement specifying the discovery completed:

The parties have conducted the mandatory FRCP 26(f) conference, prepared and filed the parties' original proposed discovery plan and scheduling order (ECF No. 16), and parties have made and exchanged the FRCP 26(a) disclosures and documents.

(b) Specific description of the discovery that remains to be completed:

To the extent settlement negotiations are not successful, the parties will need to propound written discovery and take Rule 30(b)(6) depositions. Subpoenas to third-party witnesses for the production of documents and for their depositions may be necessary as well as additional disclosures.

(c) Reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan:

As set forth above, counsel have been working on settlement, and are cautiously optimistic that this matter can be resolved outside of the Court. However, out of an abundance of caution, the parties seek to keep discovery open in case a settlement cannot be finalized in short order.

(d) A proposed schedule for completing all remaining discovery:

The parties propose a 90-day extension of the remaining discovery dates as follows:

- Current Discovery Deadline: Tuesday, October 12, 2021

- Requested Discovery Deadline: Monday, January 10, 2022
- Current Dispositive Motion Deadline: Friday, November 12, 2021
- Requested Dispositive Motion Deadline: Thursday, February 9, 2022
- Current Joint Pretrial Order Deadline: Monday, December 13, 2021
- Requested Joint Pretrial Order Deadline: Monday March 11, 2022 unless a dispositive motion is filed, in which case thirty (30) days after the decision on the dispositive motion is entered or upon further order of the Court.

This is the parties' first request for an extension of these deadlines and is not made for the purposes of delay.

Dated this 21st day of September, 2021.

Dated this 21st day of September, 2021.

SMITH LARSEN & WIXOM

ROGER P. CROTEAU & ASSOCIATES, LTD

/s/ Katie M. Weber

/s/ Matthew P. Pawlowski

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IT IS SO ORDERED.

DATED: September 22, 2021



Daniel J. Albregts
United States Magistrate Judge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of September, 2021, a true copy of the foregoing **Stipulation and Order to Extend Discovery (First Request)** was served electronically via CM/ECF, or by U.S. Mail, postage prepaid, to the following:

Roger P. Croteau, Esq.
Christopher L. Benner, Esq.
Matthew P. Pawlowski, Esq.
ROGER P. CROTEAU & ASSOCIATES, LTD
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Attorneys for Plaintiff
Saticoy Bay LLC Series 7073 Seabirds Place

/s/ Jana L. Rivard
an employee of Smith Larsen & Wixom

From: Matthew Pawlowski <matt@croteaulaw.com>
Sent: Tuesday, September 21, 2021 1:07 PM
To: Katie Weber
Cc: Chris Benner; Jana Rivard; Karl L. Nielson
Subject: RE: Case No. 2:21-cv-00559-APG-DJA - Saticoy Bay LLC Series 7073 Seabirds Place v. Towd Point Mortgage Trust

Hi Katie –

The stipulation is approved as to form and content. That is very exciting that you're moving to the other side of the pond! Safe travels and all the best in your new life adventures in Denmark. It has been my pleasure working with you on this case.

Matthew P. Pawlowski, Esq.

From: Katie Weber <kw@slwlaw.com>
Sent: Tuesday, September 21, 2021 12:59 PM
To: Matthew Pawlowski <matt@croteaulaw.com>
Cc: Chris Benner <chris@croteaulaw.com>; Jana Rivard <jlr@slwlaw.com>; Karl L. Nielson <kln@slwlaw.com>
Subject: RE: Case No. 2:21-cv-00559-APG-DJA - Saticoy Bay LLC Series 7073 Seabirds Place v. Towd Point Mortgage Trust
Importance: High

Hi Matt,

I'm just checking in to let you know I'm still waiting to hear back from my client re: this settlement offer, but I'm cautiously optimistic that we can resolve this case. With that said, out of an abundance of caution, would you be amenable to stipulating to extend the discovery deadline for 90 days just in case we can't get it resolved? We've gone ahead and prepared a stipulation (attached), since today appears to be the 21-day deadline to extend. Please let me know if you have any comments/changes, and if not, confirm that we can file with your e-signature.

(By the way, we included in there that counsel for the trust – me - is moving out of the country, just in case it helps push the judge to grant the extension. I'll be moving to Copenhagen, Denmark in about a week & a half, and Karl Nielson in our office, copied as well, will likely be taking over this case.)

Thanks!

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